

ORDINANCE INTRODUCTION DRAFT
SEPTEMBER 15, 2009
SHOWING CHANGES FROM EXISTING CODE

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA AMENDING TITLE 17 SECTIONS
17.20.005, 17.20.220, AND 17.20.265
PERTAINING TO OPERATIONS AT THE WATERFRONT

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 17.20.005 D, Section 17.20.005 E, Section 17.20.220 and Section 17.20.265 of Title 17 of the Santa Barbara Municipal Code are amended to read as follows:

17.20.005 Slip Assignment Policy.

D. TRANSFER OF SLIP PERMITS.

1. Procedure. The permittee of a Slip may transfer the Slip Permit to ~~the~~ a new or changed vessel owner upon the sale or transfer of an equity ownership interest in ~~of~~ a vessel if all the following conditions are met:

a. A written application for the transfer of a Slip Permit is filed within fifteen (15) days after the sale or transfer of the equity ownership interest in ~~of~~ the vessel.

b. The slip permittee shall notify the Waterfront Department in writing within fifteen days of the sale or transfer of an equity ownership interest, whether in whole or in part, of a vessel to an individual, entity, non-profit or governmental agency and specify if the Slip Permit is to be transferred or retained by the permittee.

c. Every permittee must supply proof of ownership of a permitted vessel pursuant to the requirements of Section

17.20.005.B.2 within fifteen (15) days of any change, in whole or in part, in the equity ownership of the vessel.

d. The Transfer Fee or waiting list Transfer Fee and all other fees and deposits are paid in full within fifteen (15) days after the sale or transfer of interest, in whole or in part, of the vessel.

ee. The owner must bring an Operable vessel to the Administration Dock for verification of length. If the vessel is not operable, the Waterfront Director may waive these requirements for not more than ninety (90) days for the purpose of repair.

~~d. The slip permittee shall notify the Waterfront Department in writing within fifteen days upon the sale of his/her vessel and specify if the Slip Permit is to be transferred or retained by the permittee.~~

~~e. Every permittee must supply proof of ownership of a permitted vessel pursuant to the requirements of Section 17.20.005.B.2.~~

f. A slip permittee must be in good standing with the Waterfront Department at the time that the Slip Permit transfer application is submitted to the Waterfront Department. A slip permittee is in good standing with the Waterfront Department if, at the time of submittal of the Slip Permit transfer application, both of the following are true and correct: (i) all fees or charges owed to the Waterfront Department by the slip permittee have been paid in full and, (ii) the Waterfront Department has not issued a written notice to terminate the Slip Permit, whether

such notice of termination has been received by the slip permittee or not.

2. Death of Slip Permittee.

a. Death of Sole Slip Permittee.

(1) **No Transfer of Slip Permit After Death.** No Slip Permit may be transferred after the death of a sole slip permittee.

(2) **Notification of Death.** Not later than thirty (30) days after the date established on the death certificate as the date of death of the slip permittee, the administrator or executor of the estate of the slip permittee shall notify the Waterfront Department in writing of the death. If such notification is not received by the Waterfront Department within thirty (30) days of the date shown on the death certificate as the date of death, the Slip Permit shall be deemed to be terminated sixty (60) days after such date. Upon termination of the Slip Permit, permission to berth shall be denied by the Waterfront Director, and the administrator or executor of the estate of the deceased slip permittee shall remove the vessel from the Harbor District immediately. Failure to immediately remove the vessel from the Harbor may, at the option of the Waterfront Director, result in the assessment of visitor fees at the visitor fee rate then in effect.

(3) **Removal of Vessel.** If notification of death as required in Section 17.20.005.D.2 herein is received by the Waterfront Department, the estate of the deceased slip permittee may have a period of time not exceeding one hundred and twenty

(120) days after the date established on the death certificate as the date of death of the slip permittee to remove the vessel from the Slip. All regular Slip Fees are due and payable by the estate during this period.

b. Death of Slip Permittee with Spouse or Registered Domestic Partner at Time of Death.

(1) **Assignment of Slip Permit After Death.** Subject to compliance with the requirements below, a Slip Permit may be assigned to the surviving spouse or domestic partner (registered with the City Clerk in accordance with Chapter 9.135 of the Santa Barbara Municipal Code) of a slip permittee after the death of the slip permittee.

(2) **Notification of Death.** Not later than thirty (30) days after the date established on the death certificate as the date of death of the slip permittee, the administrator or executor of the estate of the slip permittee or the slip permittee's surviving spouse or registered domestic partner shall notify the Waterfront Department in writing of the death of the slip permittee. The notification to the Waterfront Department shall also state whether the spouse or legally registered domestic partner seeks assignment of the Slip Permit.

Assignment of the Slip Permit to the surviving spouse or registered domestic partner will be approved by the Waterfront Director only if (i) the surviving spouse or registered domestic partner can satisfactorily demonstrate an equity ownership interest in the vessel as provided in Section 17.20.005.B herein, and (ii) either proof of marriage to the slip permittee at the

time of the slip permittee's death is provided to the Waterfront Department or proof of registration on the domestic partnership list as the slip permittee's domestic partner at the time of the slip permittee's death is provided to the Waterfront Department. If notification is not received by the Waterfront Department within thirty (30) days after the date established on the death certificate as the date of death of the slip permittee, or the surviving spouse or legally registered domestic partner does not qualify for assignment of the Slip Permit, the Slip Permit shall be deemed to be terminated sixty (60) days after the date established on the death certificate as the date of death of the slip permittee. Upon termination of the Slip Permit, permission to berth shall be denied by the Waterfront Director and the surviving spouse, registered domestic partner or estate of the deceased slip permittee shall remove the vessel from the Harbor District immediately. Failure to immediately remove the vessel from the Harbor may, at the option of the Waterfront Director, result in the assessment of visitor fees at the visitor fee rate then in effect.

(3) Removal of Vessel. If notification of death as required in Section 17.20.005.D.2 herein is received by the Waterfront Department and the slip permittee's surviving spouse or registered domestic partner does not seek assignment of the Slip Permit, or does not qualify for assignment as provided herein, the estate of the deceased slip permittee, surviving spouse or registered domestic partner shall have a period of time not exceeding one hundred and twenty (120) days after the date

established on the death certificate as the date of death of the slip permittee to remove the vessel from the Slip. All regular Slip Fees are due and payable by the surviving spouse, registered domestic partner or estate of the deceased slip permittee during this period.

c. Death of Slip Permittee with Multiple Slip Permit Partners.

(1) **Slip Permit Remains Valid.** Upon the death of one of the slip permittee partners, subject to compliance with the requirements herein, a Slip Permit held by multiple Slip Permit partners remains valid in the names of the remaining Slip Permit partners.

(2) **Notification of Death.** Not later than thirty (30) days after the date established on the death certificate as the date of death of the slip permittee, either the administrator or executor of the estate of the deceased slip permittee or the deceased slip permittee's surviving spouse or registered domestic partner or one of the remaining Slip Permit partners shall notify the Waterfront Department in writing of the death of the slip permittee. Such notification shall also state whether the spouse or registered domestic partner seeks assignment of the Slip Permit in the deceased slip permittee's partnership position or not. To become a Slip Permit partner, the surviving spouse or registered domestic partner must satisfy the requirements set forth in Section 17.20.005.D.2 b(2).

~~E. PARTNERSHIPS.~~

~~1. Notification. The Waterfront Department need not be~~

~~notified of partnership agreements in vessels unless the original permittee requests to include the partner(s) on the slip permit. In the event of addition of a name to a slip permit, a slip transfer fee or waiting list transfer fee will be assessed.~~

~~2. Proof. Proof of vessel partnership in the form of a State vessel registration, Federal documentation or a notarized bill of sale will be required before a slip permit is issued. If proof of vessel ownership is a notarized bill of sale, final registration documents must be provided to the Waterfront Department within ninety (90) days of the submittal of the application to transfer the slip permit.~~

17.20.220 Impound and Relocation of Vessels.

A. IMPOUND AND RELOCATION OF VESSELS BERTHED, DOCKED, MOORED OR ANCHORED IN THE HARBOR DISTRICT IN VIOLATION OF THE SANTA BARBARA MUNICIPAL CODE ~~WITHOUT WATERFRONT DIRECTOR PERMISSION~~. A vessel berthed, docked, moored or anchored in the Harbor District ~~without Waterfront Director permission~~ in violation of the Santa Barbara Municipal Code may be impounded in its location, including a dock, pier, slip, wharf or open ocean of the Harbor District, or may be impounded, relocated and ~~impounded~~ stored in another location ~~area in the Harbor District~~ designated by the Waterfront Director.

B. IMPOUND AND RELOCATION OF VESSELS FOR DELINQUENT FEES. A vessel whose owner is delinquent on the payment of Slip or other fees to the Waterfront Department may be impounded in its

location, including a dock, pier, slip, wharf or open ocean of the Harbor District, or may be impounded, relocated and stored ~~impounded~~ in another location designated by the Waterfront Director.

C. PAYMENT OF IMPOUND FEE. The owner of any vessel impounded under either section A or B of this section, whether relocated and stored or not, shall pay an impound fee established by Resolution of the City Council, in addition to any storage or delinquent fees, to the Waterfront Director prior to release of the vessel.

D. NOTICE OF STORAGE AND HEARING. Whenever the Waterfront Department impounds and stores a vessel as permitted by this Section, the Waterfront Department shall provide the vessel's registered owner(s) of record, with the opportunity for a poststorage hearing to determine the validity of the storage.

1. Notice of Storage. Notice of the storage shall be mailed or personally delivered to the registered owner(s) within 48 hours, excluding weekends and holidays, and shall include the following information:

a. The name, address, and telephone number of the Waterfront Department.

b. The location of the place of storage and description of the vessel.

c. The authority and purpose for the impound and storage of the vessel.

d. A statement that, in order to receive the poststorage hearing, the owner(s) shall request the hearing in person or in

writing within ten (10) days of the date appearing on the notice.

2. Poststorage Hearing. The poststorage hearing shall be conducted within 48 hours of the receipt of the request for the hearing by the Waterfront Department, excluding weekends and holidays. The City may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who directed the storage of the vessel.

3. Failure to Request or Attend Hearing. The failure of the registered owner(s) to request or to attend a scheduled hearing shall satisfy the poststorage hearing requirement.

4. Finality of Hearing and Return of Fees. The Waterfront Department shall return to the registered owner(s) of the vessel all impound and storage fees paid by the owner if it is determined by the hearing officer that reasonable grounds for the storage of the vessel are not established. The decision of the hearing officer after the poststorage hearing shall be final.

17.20.265 Anchoring Vessels Within Waters of Harbor District Not Designated as Seasonal or Year-Round Anchorage.

A. UNLAWFUL ANCHORING.

1. Consent of Waterfront Director Required to Anchor Vessels in Harbor. It shall be unlawful to Anchor a vessel in the waters of the Harbor at any time without the consent of the Waterfront Director.

2. No Anchoring in Harbor District Except as Provided Herein. It shall be unlawful to Anchor a vessel in waters of the Harbor District between the sunset and the sunrise, ~~other than~~ except the Seasonal and Year-Round Anchorages as ~~those~~ delineated

on the reference map attached as Exhibit "A" to Chapter 17.20 ~~as~~
~~the Seasonal or Year Round Anchorages, between sunset and~~
~~sunrise~~, without ~~express~~ prior permission of the Waterfront
Director.

3. No Anchoring in Harbor District at Any Time. It shall
be unlawful to Anchor a vessel in the waters of the Harbor
District at any time of the day or night in the area located
between the eastern edge of Stearns Wharf and a line connecting
Boundary A and Boundary B on the western edge of the Seasonal
Anchorage as depicted on the reference map attached as Exhibit
"A" to Chapter 17.20 without the prior permission of the
Waterfront Director.

B. ANCHORED VESSELS MUST BE OPERABLE. Vessels Anchoring in any
area of the Harbor District must be continuously maintained as
Operable vessels. It shall be unlawful to Anchor a vessel in any
area of the Harbor District that is not Operable.

C. UNLAWFUL MOORING AND ANCHORING. It shall be unlawful to
Moor a vessel at any time or to leave Anchoring Equipment
unattended without an attached vessel in the waters of the Harbor
District not designated as Seasonal, Year-round or the Santa
Barbara Mooring Area.

D. CITY REMOVAL OF MOORING OR ANCHORING EQUIPMENT. Any
unlawfully placed Mooring or abandoned Anchoring Equipment may be
removed by the city and sold or otherwise disposed of by the City
as abandoned property. In addition to any fees incurred pursuant
to Section 17.20.265 C, the City may recover the costs of

removal, storage, or disposal of the Mooring or Anchoring
Equipment from the vessel's owner